

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

BIONTECH SE, *et al.*,

Plaintiffs / Counterclaim
Defendants,

v.

CUREVAC SE,

Defendant / Counterclaimant,

CUREVAC MANUFACTURING
GMBH,

Counterclaimant,

and

ACUITAS THERAPEUTICS INC.

Intervenor.

Case No. 2:23-cv-222

ORDER

The Court has read and considered the parties' proposals regarding the *Markman* hearing scheduled for June 13, 2024, at 11:00 a.m.

It is hereby **ORDERED** that:

- I. The Court shall allot three hours for the *Markman* hearing, and the time allotted shall be divided equally between the parties.¹
- II. Arguments on the disputed terms shall be presented on a term-by-term basis in the order that the terms appear in the parties' joint claim construction chart.

¹ All the plaintiffs and counterclaim defendants shall be considered one party, and all the defendants and counterclaimants shall be considered another party.

III. BioNTech and Pfizer shall present first on each term, followed by CureVac.

IV. Any technical background with respect to the patents will be presented by counsel as part of their respective arguments relating to the claim terms.

V. Parties may reserve time for rebuttal.

The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.



/s/

Jamar K. Walker
United States District Judge

Norfolk, Virginia
May 29, 2024